

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISES

April 13, 2017  
73-76

<p style="text-align: right;">Page 73</p> <p>1 T. TOTH</p> <p>2 or what I post.</p> <p>3 Q So I'm trying to understand the range of</p> <p>4 what you're making off of ServeSpring, okay.</p> <p>5 So to date, what's the maximum monthly</p> <p>6 income you've received from ServeSpring because of</p> <p>7 your posts?</p> <p>8 A [REDACTED]</p> <p>9 Q And you said that's per month, correct?</p> <p>10 A Mm hm.</p> <p>11 MR. GOLASZEWSKI: You have to say yes.</p> <p>12 A Oh, yes.</p> <p>13 Q When did you start posting on behalf</p> <p>14 ServeSpring? Do you recall when?</p> <p>15 A I don't remember. I've worked with other</p> <p>16 companies too, so.</p> <p>17 Q Just focusing on ServeSpring for a moment.</p> <p>18 A Okay.</p> <p>19 Q Has it been less than a year?</p> <p>20 A I don't know. I'm pretty sure it's over a</p> <p>21 year. But I don't want to say for sure.</p> <p>22 Q All right. Now just focusing solely on</p> <p>23 companies that have you posting photographs of</p> <p>24 yourself to promote that brand.</p> <p>25 Over the last month, have you worked with</p>	<p style="text-align: right;">Page 75</p> <p>1 T. TOTH</p> <p>2 A Well, if I post something on social media</p> <p>3 and they're tagged in it and it's something like</p> <p>4 we've agreed on, you can repost, yes. And then</p> <p>5 also, a lot of times websites will have where their</p> <p>6 Instagram shows up on their website. So yes, it</p> <p>7 would be on there kind of automatically.</p> <p>8 Q So just focusing on those types of</p> <p>9 publications, the ones you post, and someone is</p> <p>10 reposting.</p> <p>11 Have you had any company repost your image</p> <p>12 over the past week where you've received</p> <p>13 compensation for their reposting?</p> <p>14 A Compensation for their reposting? No,</p> <p>15 because that's kind of already in. If they're</p> <p>16 paying you, then they can repost it. So it wouldn't</p> <p>17 be like a separate thing.</p> <p>18 Q Right. So a company contracts with you</p> <p>19 that they can repost your post that's promoting</p> <p>20 their brand, correct?</p> <p>21 A Yeah.</p> <p>22 Q So what companies do you have that</p> <p>23 agreement with, currently?</p> <p>24 A I mean, I don't know like how I can say</p> <p>25 currently, because it's been -- I've done it for</p>
<p style="text-align: right;">Page 74</p> <p>1 T. TOTH</p> <p>2 any companies to do that?</p> <p>3 A For Facebook?</p> <p>4 Q Yes. Just focusing on Facebook.</p> <p>5 A Okay. Posted a picture of something?</p> <p>6 Q Where you're in the picture?</p> <p>7 A I don't think so. Not for Facebook.</p> <p>8 Q What about Instagram?</p> <p>9 A Instagram, I probably have.</p> <p>10 Q Do you recall what companies you did that</p> <p>11 on behalf of?</p> <p>12 A Yeah, there's been quite a few of them,</p> <p>13 and a lot of them have since been deleted. So I</p> <p>14 can't think off the top of my head of my head right</p> <p>15 now.</p> <p>16 Q What about your over the past week.</p> <p>17 Any companies that you posted your own</p> <p>18 photos or photos you've taken in the past to promote</p> <p>19 that company?</p> <p>20 A I can't think right now.</p> <p>21 Q Okay. So besides posting on your own</p> <p>22 social media pages, do companies ever republish your</p> <p>23 own photos and videos to promote their brand, with</p> <p>24 the caveat, on their own website or social media</p> <p>25 page?</p>	<p style="text-align: right;">Page 76</p> <p>1 T. TOTH</p> <p>2 years. I don't remember ever single person I've --</p> <p>3 Q I'm talking about at the moment.</p> <p>4 Are you contracted with any company to</p> <p>5 have that arrangement where they could repost your</p> <p>6 post and they pay you for that?</p> <p>7 A Not contracted, no.</p> <p>8 Q Do you have any agreement with any company</p> <p>9 where they can repost your post and then compensate</p> <p>10 you about posting about them?</p> <p>11 A I mean, usually if you post for someone,</p> <p>12 you're compensated. But since you're doing that,</p> <p>13 it's kind of like an agreement that they can repost</p> <p>14 it if they want. A lot of times they don't, but</p> <p>15 they can if they want to because they've been tagged</p> <p>16 in it, because when you tag them, it shows up on</p> <p>17 their profiles anyways.</p> <p>18 Q Let me try it this way: When was the last</p> <p>19 time you were paid by a company for them to repost</p> <p>20 something you posted on social media?</p> <p>21 A I'd have to look back or think.</p> <p>22 Q Was it in the past month?</p> <p>23 A Yes.</p> <p>24 Q Do you recall what company that was for?</p> <p>25 A Gosh, I can't even -- I mean, I've done so</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
77-80

<p style="text-align: right;">Page 77</p> <p>1 T. TOTH</p> <p>2 many. It could have been a book, an app. Like I</p> <p>3 can't think off the top of my head right now.</p> <p>4 Q Do you recall how much you were</p> <p>5 compensated for that repost by that company?</p> <p>6 A It's different. It depends on if it was</p> <p>7 like five hours, two days, a week. Everybody is</p> <p>8 different. So sometimes they can come to you and</p> <p>9 present a rate and you say yes or no, or you can</p> <p>10 give them a rate. It depends on if it's something</p> <p>11 you want to do, or something you don't want to do.</p> <p>12 Something you want to receive the product and get</p> <p>13 paid. It's really case by case. It's really hard</p> <p>14 to give you a straight answer.</p> <p>15 Q Sure. Do you command a certain rate for</p> <p>16 the reposting?</p> <p>17 For example, you said before, it could be</p> <p>18 for five hours. So do you command that that company</p> <p>19 pays you X number of dollars for five hours of the</p> <p>20 repost?</p> <p>21 A No, because I would already have that in</p> <p>22 mind in the rate, because I'm tagging them. So they</p> <p>23 are allowed to repost.</p> <p>24 Q So what rate do you usually get for five</p> <p>25 hours of posting?</p>	<p style="text-align: right;">Page 79</p> <p>1 T. TOTH</p> <p>2 A If I post specifically what they want me</p> <p>3 to post or tag their companies or certain hashtags,</p> <p>4 yeah.</p> <p>5 Q Okay. So you can you name here today,</p> <p>6 just one company that you've done that are for in</p> <p>7 March of 2017?</p> <p>8 A In March for lingerie?</p> <p>9 Q Any company that you've posted for social</p> <p>10 media in. Even -- let me rephrase this.</p> <p>11 Can you name one company that you've done</p> <p>12 this reposting for in March of 2017?</p> <p>13 A I don't know if it was March exactly. I</p> <p>14 think there was like a book I advertised. There was</p> <p>15 an app, like a travel app. I'd have to go through</p> <p>16 e-mails and look, because stuff gets deleted.</p> <p>17 Q Understood. The book that you reposted,</p> <p>18 do you recall what book that was?</p> <p>19 A It was -- I'd have to look back through my</p> <p>20 pictures.</p> <p>21 Q Do you recall what you were paid to post</p> <p>22 for the book?</p> <p>23 A I think it was a thousand. I think.</p> <p>24 Q Do you recall when you posted about that</p> <p>25 book?</p>
<p style="text-align: right;">Page 78</p> <p>1 T. TOTH</p> <p>2 A [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 Q Okay. Do you currently do that type of</p> <p>7 arrangement with Spicy?</p> <p>8 A No.</p> <p>9 Q Do you have that kind of arrangement with</p> <p>10 Roma?</p> <p>11 A No. Some companies do, but.</p> <p>12 Q What do you mean by some companies do?</p> <p>13 A Some companies will pay you extra to post</p> <p>14 for them. If they have a specific -- for example,</p> <p>15 in the pictures that I posted, it's not necessarily</p> <p>16 since it wasn't paid, I can post whatever I want. I</p> <p>17 don't have to tag them. I don't have to hashtag</p> <p>18 specific things. So if a company pays you, they</p> <p>19 tell you what to tag and what to advertise. But I'm</p> <p>20 free to post like whatever lingerie pictures.</p> <p>21 Q Right. Because you're paid per post,</p> <p>22 right, so it's up to you, correct?</p> <p>23 So if you post on behalf of a company</p> <p>24 where you give them a shoutout, that's how you are</p> <p>25 compensated by that company?</p>	<p style="text-align: right;">Page 80</p> <p>1 T. TOTH</p> <p>2 A No.</p> <p>3 Q Do you recall the last time --</p> <p>4 A It was only a few hours.</p> <p>5 Q Do you recall the last time you posted a</p> <p>6 picture of yourself in lingerie on behalf of a</p> <p>7 company?</p> <p>8 A Well, I have a lot of companies send me</p> <p>9 stuff, so.</p> <p>10 Q What do you mean by send you stuff?</p> <p>11 A If I have a shoot that like I want to do</p> <p>12 and it's for something -- like it's a fun shoot that</p> <p>13 I want to do and I need lingerie for it, companies</p> <p>14 will send me lingerie if I tag them.</p> <p>15 Q So you get lingerie for free?</p> <p>16 A Sometimes, yes. Sometimes they'll still</p> <p>17 send you product and pay you because they want a</p> <p>18 specific post, like in a specific outfit, a certain</p> <p>19 time, certain hashtags. But other times, they'll</p> <p>20 let me go on the website and pick out anything I</p> <p>21 want, and I can use it in a shoot as long as I tag</p> <p>22 them.</p> <p>23 Q Do you recall the last time you were paid</p> <p>24 money to post yourself on social media in lingerie.</p> <p>25 A I don't remember. Not in the past month.</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISES

April 13, 2017  
81-84

<p style="text-align: right;">Page 81</p> <p>1 T. TOTH</p> <p>2 Q Okay. Are you aware of any fake --</p> <p>3 MR. SPIEGEL: Off the record.</p> <p>4 (Whereupon, an off-the-record</p> <p>5 discussion was held at this</p> <p>6 time.)</p> <p>7 (At this time, Attorney Peter</p> <p>8 Shapiro has entered the</p> <p>9 deposition.)</p> <p>10 Q Are you familiar with any fake Facebook or</p> <p>11 Instagram profiles that were made -- strike that.</p> <p>12 Are you familiar with any fans who have</p> <p>13 created fake Facebook profiles of you?</p> <p>14 A I don't know if they're fans or not. But</p> <p>15 yes, fake profiles.</p> <p>16 Q Okay. Is this on Facebook and Instagram,</p> <p>17 or just on one social media platform?</p> <p>18 A I've seen them on Instagram too and</p> <p>19 Facebook.</p> <p>20 Q Just focusing in 2017.</p> <p>21 How many fake profiles have you found?</p> <p>22 A I counted like over 40.</p> <p>23 Q Just in 2017?</p> <p>24 A Yes.</p> <p>25 Q Do you take any actions to try to take</p>	<p style="text-align: right;">Page 83</p> <p>1 T. TOTH</p> <p>2 A Yes.</p> <p>3 Q What do you sell?</p> <p>4 A My signed Playboy issue, headshots, and</p> <p>5 some other photos.</p> <p>6 Q Your sign Playboy issue, that's from</p> <p>7 September 2011?</p> <p>8 A Yes.</p> <p>9 Q And what do you sell that for?</p> <p>10 A I don't know what it is. I'd have to</p> <p>11 look.</p> <p>12 Q And your headshots, do you know what you</p> <p>13 sell that for?</p> <p>14 A No.</p> <p>15 Q Do you know what you sell any of the</p> <p>16 photos for, like how much?</p> <p>17 A It could be -- well, it's for the print.</p> <p>18 So I mean, it's like [REDACTED] But I can't be sure.</p> <p>19 I'd have to look.</p> <p>20 Q Specifically talking about these items</p> <p>21 that you sell on your website, do you know how much</p> <p>22 money you brought in from sales in 2016?</p> <p>23 A I do not.</p> <p>24 Q Do you know on average how much you sell</p> <p>25 in merchandise per month?</p>
<p style="text-align: right;">Page 82</p> <p>1 T. TOTH</p> <p>2 these profiles down?</p> <p>3 A Yes.</p> <p>4 Q What do you do?</p> <p>5 A First step is you report them to Facebook,</p> <p>6 and Facebook will ban them and take them down.</p> <p>7 Q These are people who did not ask your</p> <p>8 permission to post your photos, correct?</p> <p>9 A Correct.</p> <p>10 Q Were any of these photos manipulated by</p> <p>11 these uses?</p> <p>12 A Sometimes.</p> <p>13 Q In what way?</p> <p>14 A I don't go through every photo. But I</p> <p>15 have seen them manipulated by -- I can't remember</p> <p>16 one specific. I mean, there are so many.</p> <p>17 Q So when you contact Facebook and ask them</p> <p>18 to take down these profiles, they usually comply?</p> <p>19 A Yes, because they're against Facebook</p> <p>20 standards.</p> <p>21 Q And before, we were discussing your own</p> <p>22 personal website.</p> <p>23 I think it was TiffanyToth.net, correct?</p> <p>24 A Yeah. Or OfficialTiffanyToth.com.</p> <p>25 Q Do you sell merchandise on that website?</p>	<p style="text-align: right;">Page 84</p> <p>1 T. TOTH</p> <p>2 A No, I don't.</p> <p>3 Q What's your highest level of education?</p> <p>4 A Some college.</p> <p>5 Q Where did you go to college?</p> <p>6 A Santiago Canyon College.</p> <p>7 Q Do you have any other type of education or</p> <p>8 training?</p> <p>9 A No.</p> <p>10 Q Besides modeling, are you currently</p> <p>11 working in any other industry?</p> <p>12 A I do photography and makeup. But that's</p> <p>13 kind of like a thing on the side.</p> <p>14 Q So your main source of income comes from</p> <p>15 the modeling?</p> <p>16 A Modeling, yes.</p> <p>17 Q How did you get started in modeling?</p> <p>18 A I did a shoot for Playboy.</p> <p>19 Q How old were you?</p> <p>20 A Nineteen.</p> <p>21 Q And how did you come to find Playboy, or</p> <p>22 how did Playboy find you?</p> <p>23 A I went to, I think, it was like a casting,</p> <p>24 and I went to their main offices and they did like</p> <p>25 Polaroids, and then called me back to do a shoot.</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISES

April 13, 2017  
85-88

<p style="text-align: right;">Page 85</p> <p>1 T. TOTH</p> <p>2 Q At the time, were you represented by any</p> <p>3 agents or modeling agencies?</p> <p>4 A I don't believe so.</p> <p>5 Q I'm sorry, what is your agent's name, your</p> <p>6 current agent?</p> <p>7 A Which one? There was three.</p> <p>8 Q Your press agent?</p> <p>9 A Print agents?</p> <p>10 Q Yes, print agent.</p> <p>11 A There's Carol.</p> <p>12 Q What's Carol's last name?</p> <p>13 A Scott.</p> <p>14 Q Who else?</p> <p>15 A And then there's Teresa Otto.</p> <p>16 Q And what's Teresa's last name?</p> <p>17 A That's Otto, O-T-T-O.</p> <p>18 Q And she's the one who works for Otto</p> <p>19 Company, correct?</p> <p>20 A Mm hm.</p> <p>21 MR. SPIEGEL: Can we take a break for a</p> <p>22 couple of minutes off the record?</p> <p>23 MR. GOLASZEWSKI: Sure.</p> <p>24 (Whereupon, an off-the-record</p> <p>25 discussion was held at this</p>	<p style="text-align: right;">Page 87</p> <p>1 T. TOTH</p> <p>2 correct?</p> <p>3 A Yes.</p> <p>4 Q So how does it work now, if you're going</p> <p>5 to do a shoot for somebody, they can either contact</p> <p>6 you directly or contact your agent who contacts you;</p> <p>7 is that right?</p> <p>8 A Not everything is exclusive. So not</p> <p>9 everything is through the agency. I mean, now</p> <p>10 because of social media and just being online,</p> <p>11 people can contact you through all social media</p> <p>12 platforms. They can contact you through your</p> <p>13 website, get referred by other models,</p> <p>14 photographers. It's pretty easy to get in touch</p> <p>15 with us to book us for a job.</p> <p>16 Q [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
<p style="text-align: right;">Page 86</p> <p>1 T. TOTH</p> <p>2 time.)</p> <p>3 Q So where we left off, you were saying that</p> <p>4 your first entrance into modeling was Playboy,</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q Were you contacting agents prior to</p> <p>8 working with Playboy?</p> <p>9 A I don't remember if I did or not.</p> <p>10 Q Were you trying to break into modeling</p> <p>11 prior to Playboy?</p> <p>12 A I had just wanted to be a Playmate.</p> <p>13 Q Do you recall after you signed with</p> <p>14 Playboy and were featured in their issue, the first</p> <p>15 agency you signed with?</p> <p>16 A I'm sorry, what?</p> <p>17 Q After you shot for Playboy, do you recall</p> <p>18 the first agency you ended up signing with?</p> <p>19 A I don't remember at the time who it was.</p> <p>20 Q Talking about your modeling now, when you</p> <p>21 do a photo shoot.</p> <p>22 You said you have three different agents,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q Two for print, and one for commercials,</p>	<p style="text-align: right;">Page 88</p> <p>1 T. TOTH</p> <p>2 A [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q Okay. I'm going to show you what's marked</p> <p>15 as TT17.</p> <p>16 (Whereupon, a sample release</p> <p>17 form was marked as Exhibit TT17</p> <p>18 for Identification.)</p> <p>19 Q For the record, this is a sample release.</p> <p>20 You are not the party to this release, okay.</p> <p>21 A Okay.</p> <p>22 Q I'm just showing this to you to see if you</p> <p>23 recognize the language of what this release is.</p> <p>24 A Okay. This isn't a release that I've</p> <p>25 signed?</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
89-92

<p style="text-align: right;">Page 89</p> <p>1 T. TOTH</p> <p>2 Q This isn't a release that you've signed,</p> <p>3 and as far as I know, not a company that you have</p> <p>4 worked for.</p> <p>5 A Okay.</p> <p>6 Q I just want to show you a sample release,</p> <p>7 that is TT 17.</p> <p>8 Have you ever seen a release that looks</p> <p>9 like that?</p> <p>10 MR. GOLASZEWSKI: Take a minute and look</p> <p>11 it over.</p> <p>12 A This doesn't look like one I've signed.</p> <p>13 But I have seen parts of this.</p> <p>14 Q It doesn't look like a typical contract</p> <p>15 release?</p> <p>16 A This looks like it's an exclusive for this</p> <p>17 company.</p> <p>18 Q Okay. So what's the difference between</p> <p>19 this contract release that you're looking at, and</p> <p>20 one that you've signed this the past?</p> <p>21 A This one says that they cannot for work or</p> <p>22 competing lingerie companies.</p> <p>23 Q Is that the only difference you see?</p> <p>24 MR. GOLASZEWSKI: Objection.</p> <p>25 A That, and I've never signed one that says</p>	<p style="text-align: right;">Page 91</p> <p>1 T. TOTH</p> <p>2 Q When we looked at Exhibit A of complaint</p> <p>3 which is marked as TT1, do you recall what company</p> <p>4 you took the first image of those images for?</p> <p>5 MR. GOLASZEWSKI: Objection.</p> <p>6 A Yes.</p> <p>7 Q What company was that?</p> <p>8 A Mystery House.</p> <p>9 Q Mystery House. You did say that before,</p> <p>10 right.</p> <p>11 A Yes.</p> <p>12 Q And then the second photo, who did you say</p> <p>13 you took this photo for?</p> <p>14 MR. GOLASZEWSKI: Objection.</p> <p>15 You can answer.</p> <p>16 A Roma.</p> <p>17 Q Yet you currently do not work for Mystery</p> <p>18 House or Roma anymore, correct?</p> <p>19 A I don't know if Mystery House is still</p> <p>20 around or not.</p> <p>21 Q Okay. So if it's not around, you wouldn't</p> <p>22 be working for them, correct?</p> <p>23 A Well, they started doing, I think, it was</p> <p>24 like -- what is that, like shape wear or something I</p> <p>25 did a shoot for some time last year. But I don't</p>
<p style="text-align: right;">Page 90</p> <p>1 T. TOTH</p> <p>2 that they can use my name to promote like in the</p> <p>3 release.</p> <p>4 Q If you would, look at the last page which</p> <p>5 is Exhibit B of the contract.</p> <p>6 Does that look like typical release</p> <p>7 language you've seen?</p> <p>8 MR. GOLASZEWSKI: It's the appendix page.</p> <p>9 A What did you ask?</p> <p>10 Q Does that look like typical release</p> <p>11 language you've seen in the contracts?</p> <p>12 MR. GOLASZEWSKI: I'm just going to object</p> <p>13 to the question.</p> <p>14 A It looks similar. But in my releases,</p> <p>15 now -- I mean, I don't know what I started -- but I</p> <p>16 have a little clause at the end that says I still</p> <p>17 own my likeness, and that, say this happens, someone</p> <p>18 steals my image, I have a right to my likeness.</p> <p>19 Q But you don't recall when you started to</p> <p>20 add that into the releases?</p> <p>21 A I don't recall that, but I do have that</p> <p>22 now.</p> <p>23 Q Okay. I'm not sure if I asked this</p> <p>24 question before. So I'm going to re-ask it.</p> <p>25 A Okay.</p>	<p style="text-align: right;">Page 92</p> <p>1 T. TOTH</p> <p>2 know like their current statute. Like they're</p> <p>3 currently working, but I don't know if they're still</p> <p>4 doing costumes.</p> <p>5 Q Like body shapers, you mean?</p> <p>6 A Yeah.</p> <p>7 Q Do you recall when you started to work</p> <p>8 with Mystery House?</p> <p>9 A It was a long time ago.</p> <p>10 Q Before 2010?</p> <p>11 A Yeah.</p> <p>12 Q And what about Roma.</p> <p>13 Do you recall when you started to work</p> <p>14 with them?</p> <p>15 A It could have been 2000 -- it could have</p> <p>16 been 2007, 2008. I can't be sure, but somewhere</p> <p>17 around that time.</p> <p>18 Q Is it fair to say that when you first</p> <p>19 started to work with Mystery House and Roma, you</p> <p>20 didn't have that clause in it saying that you owned</p> <p>21 your likeness?</p> <p>22 A It could have been in if it was already on</p> <p>23 there. Not my specific clause, but I'd have to find</p> <p>24 or ask them.</p> <p>25 Q Do you have a copy of the contracts that</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
93-96

<p style="text-align: right;">Page 93</p> <p>1 T. TOTH</p> <p>2 you had with Mystery House and Roma?</p> <p>3 A I'm sure I do somewhere.</p> <p>4 MR. SPIEGEL: On the record, I would ask</p> <p>5 that you produce copies of those contracts.</p> <p>6 MR. GOLASZEWSKI: To the extent I'm going</p> <p>7 to produce, we certainly will.</p> <p>8 MR. SPIEGEL: And on the record, that's</p> <p>9 any contract you've had over the past 10 years</p> <p>10 with Mystery House or Roma.</p> <p>11 THE WITNESS: Okay.</p> <p>12 Q And I think we might have been a little</p> <p>13 bit confused before, because you were Playmate of</p> <p>14 the month in 2011, you said, correct?</p> <p>15 A Yes.</p> <p>16 Q But that's not when you first started to</p> <p>17 work with Playboy, right?</p> <p>18 A Right.</p> <p>19 Q So do you recall what year was the first</p> <p>20 year you were featured in Playboy?</p> <p>21 A It was an online future in 2005, I</p> <p>22 believe.</p> <p>23 Q All right. So let's talk about the</p> <p>24 edition where you were Playmate of the month.</p> <p>25 From what I could tell from looking at</p>	<p style="text-align: right;">Page 95</p> <p>1 T. TOTH</p> <p>2 A No.</p> <p>3 Q Before or after this edition?</p> <p>4 A Oh, wait.</p> <p>5 Q Have you posed nude for anyone else</p> <p>6 besides Playboy ever in your career?</p> <p>7 A No.</p> <p>8 Q Did you consider the [REDACTED] you were</p> <p>9 compensated adequate compensation for this job?</p> <p>10 MR. GOLASZEWSKI: Objection.</p> <p>11 A What do you mean, like for the --</p> <p>12 Q Sorry. For being selected Playmate of the</p> <p>13 month and receiving [REDACTED], did you feel like that</p> <p>14 was a good amount of money to be paid?</p> <p>15 MR. GOLASZEWSKI: Objection.</p> <p>16 A Yeah, because it was a job that I had</p> <p>17 wanted to do, and also just the benefits of being</p> <p>18 part of Playboy. I mean, I got to travel and work</p> <p>19 quite a few jobs.</p> <p>20 Q Where was the photo shoot, where did it</p> <p>21 takes place for when you were selected as Playmate</p> <p>22 of the month?</p> <p>23 A At the studio.</p> <p>24 Q Where is the studio?</p> <p>25 A At the time, it was Santa Monica.</p>
<p style="text-align: right;">Page 94</p> <p>1 T. TOTH</p> <p>2 your tax returns, is that you were paid \$[REDACTED] for</p> <p>3 that photo shoot, correct?</p> <p>4 A Yes.</p> <p>5 Q As far as compensation-wise, is that the</p> <p>6 biggest job you've done for modeling?</p> <p>7 A I believe so.</p> <p>8 Q That's most lucrative?</p> <p>9 Is the most amount of money you've been</p> <p>10 compensated for a photo shoot [REDACTED]?</p> <p>11 A Yes.</p> <p>12 Q And then when you're selected as Playmate</p> <p>13 of the month, what else is entailed with that honor?</p> <p>14 A That I'm required or that you get as like</p> <p>15 a benefit?</p> <p>16 Q That you're required pursuant to your</p> <p>17 agreement with them?</p> <p>18 A That I'm required. I mean, I'm not really</p> <p>19 required to do anything besides just not posing nude</p> <p>20 for competitors.</p> <p>21 Q Okay. So is that edition of Playboy where</p> <p>22 you're featured as Playmate of the month, you were</p> <p>23 fully nude?</p> <p>24 A Yes.</p> <p>25 Q Have you posed fully nude for anyone else?</p>	<p style="text-align: right;">Page 96</p> <p>1 T. TOTH</p> <p>2 Q Did they pay for your lodging in Santa</p> <p>3 Monica?</p> <p>4 A Well, I was technically like a local</p> <p>5 Playmate. So I would just stay the night at the</p> <p>6 guest house at the mansion.</p> <p>7 Q Do you recall how many day of photo shoots</p> <p>8 that were entailed in that Playmate of the month</p> <p>9 spread?</p> <p>10 A That shoot, I believe it was just one day.</p> <p>11 Q When you say "one day," are we talking</p> <p>12 about eight hours in a day or longer or less?</p> <p>13 A I don't remember how many hours it was.</p> <p>14 Usually, just until we got the shot that we liked.</p> <p>15 Q So if you know, what was the second most</p> <p>16 amount of money that you've ever been paid for any</p> <p>17 company?</p> <p>18 A I don't remember.</p> <p>19 Q Would it be more than [REDACTED]?</p> <p>20 A It might have been. I don't know. I only</p> <p>21 remember Playmates specifically, because it's like</p> <p>22 such a public knowledge that you get.</p> <p>23 Q Are you familiar with the term Playboy</p> <p>24 Fresh Face?</p> <p>25 A Yes.</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISES

April 13, 2017  
97-100

<p style="text-align: right;">Page 97</p> <p>1 T. TOTH</p> <p>2 Q What is a Playboy Fresh Face?</p> <p>3 A I think it was one of their -- it was like</p> <p>4 back in the day, it was like one of their other</p> <p>5 websites that they had, like when they used to do</p> <p>6 like -- I mean, I'm not familiar with it now. But</p> <p>7 they would have like wives of Playboy or like</p> <p>8 college girls of Playboy, Fresh Faces. There was</p> <p>9 like a bunch of different stuff affiliated with</p> <p>10 them. I'm not really familiar with it now.</p> <p>11 Q From the information we've received, it</p> <p>12 looks as though you were featured three times as a</p> <p>13 Playboy fresh face; does that sound right?</p> <p>14 A No, not three times.</p> <p>15 Q How many times were you featured?</p> <p>16 A I think just once, but you would shoot</p> <p>17 like multiple looks that day.</p> <p>18 Q So could it be possible that you had three</p> <p>19 different pictures from one shoot?</p> <p>20 A Yes.</p> <p>21 Q Okay. Do you recall when you were</p> <p>22 featured as the Playboy fresh face?</p> <p>23 A That would have been when I was like 19</p> <p>24 years old. So I don't know.</p> <p>25 Q Is this when you were talking about the</p>	<p style="text-align: right;">Page 99</p> <p>1 T. TOTH</p> <p>2 Q Do you recall how much you were paid for</p> <p>3 being featured as Cybergirl of the month?</p> <p>4 A I don't remember at the time. It was a</p> <p>5 long time ago.</p> <p>6 Q And what about a blogger for Playboy</p> <p>7 called Playboy Blogger?</p> <p>8 A I don't know what that is.</p> <p>9 Q What about a Playboy radio host or for a</p> <p>10 guest appearance on Playboy Radio?</p> <p>11 A Yes.</p> <p>12 Q When did you do that?</p> <p>13 MR. GOLASZEWSKI: Objection.</p> <p>14 A It probably would have been 2011 when I</p> <p>15 was Playmate.</p> <p>16 Q Was that part of your contract, that you</p> <p>17 would go on their radio show?</p> <p>18 A It wasn't required.</p> <p>19 Q Were you paid to appear on the radio show?</p> <p>20 A I don't know if I was paid or not, or if</p> <p>21 it was just something I wanted to do. I don't</p> <p>22 remember exactly. But it wasn't required.</p> <p>23 Q You said 2011.</p> <p>24 Do you recall how many times you appeared</p> <p>25 on air?</p>
<p style="text-align: right;">Page 98</p> <p>1 T. TOTH</p> <p>2 first job did you with Playboy?</p> <p>3 A It was around that time, yes.</p> <p>4 Q Besides photos that were taken, were there</p> <p>5 any videos taken and posted?</p> <p>6 A Yes.</p> <p>7 Q There was a video posted online?</p> <p>8 A On their website.</p> <p>9 Q Do you recall what you were paid for both</p> <p>10 the photos and the videos?</p> <p>11 A I don't remember.</p> <p>12 Q What about Playboy Cybergirl.</p> <p>13 It looks as though you were featured</p> <p>14 November 2005; does that sound correct?</p> <p>15 A Yes, that was the first shoot.</p> <p>16 Q How many times were you featured as a</p> <p>17 Playboy Cybergirl?</p> <p>18 A Well, you can only be featured once. So</p> <p>19 there would be Cybergirl of the week, so you only</p> <p>20 have one week, and then they vote for who they</p> <p>21 choose as Cybergirl of the month, and then you would</p> <p>22 have one month.</p> <p>23 Q So were you featured both Cybergirl of the</p> <p>24 week and Cybergirl of the month?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 100</p> <p>1 T. TOTH</p> <p>2 A Probably I think it was once.</p> <p>3 Q Were there any photos or videos taken from</p> <p>4 that?</p> <p>5 A Not that I remember. If there was, it</p> <p>6 would have been me taking them. But to be honest,</p> <p>7 it was really bad light in there, so I wouldn't have</p> <p>8 taken a photo.</p> <p>9 Q Now, outside the brand ambassador or</p> <p>10 promoter of Playboy we discussed before, I think,</p> <p>11 you said it was called Blackheart Rum promoter?</p> <p>12 A It's a rum company, yes.</p> <p>13 Q Do you recall when that was, when you were</p> <p>14 brand ambassador for Blackheart Rum?</p> <p>15 A That was last year.</p> <p>16 (Whereupon, a contract with</p> <p>17 Blackheart Rum was marked as</p> <p>18 Exhibit TT18 for</p> <p>19 Identification.)</p> <p>20 Q I'm going to show you what's been marked</p> <p>21 TT18, and this is the -- I believe this is the</p> <p>22 contract between and you Blackheart Rum that you</p> <p>23 were just referring to, correct?</p> <p>24 A Correct.</p> <p>25 Q If you look at the second page at the very</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
101-104

<p style="text-align: right;">Page 101</p> <p>1 T. TOTH</p> <p>2 top where it says payment, and it says [REDACTED] photos</p> <p>3 usage.</p> <p>4 Is that a typical amount you're paid for a</p> <p>5 company to use your photo?</p> <p>6 MR. GOLASZEWSKI: Objection.</p> <p>7 A It could be. If it's something I want to</p> <p>8 do, yes.</p> <p>9 Q And the following bullet point where it</p> <p>10 says [REDACTED] for a full-day video shoot.</p> <p>11 Is that the typical fee you charge for a</p> <p>12 full-day video shoot?</p> <p>13 MR. GOLASZEWSKI: Objection.</p> <p>14 A Not the typical rate.</p> <p>15 Q And the fourth bullet point, it is says</p> <p>16 [REDACTED] per social post, and 8 to 9 total.</p> <p>17 So I guess that means that you agreed to</p> <p>18 post eight to nine times, is that correct?</p> <p>19 A They would pay per post which they</p> <p>20 actually ended up buying more posts since this</p> <p>21 contract.</p> <p>22 Q Okay. So just looking just at this</p> <p>23 contract though.</p> <p>24 Is that a typical amount that a company of</p> <p>25 this size would pay you to post on social media?</p>	<p style="text-align: right;">Page 103</p> <p>1 T. TOTH</p> <p>2 were paid by Playboy?</p> <p>3 A I don't know if I did a post in March for</p> <p>4 Playboy. I don't think I did in March.</p> <p>5 Q What about in 2016.</p> <p>6 Do you know how much Playboy paid you for</p> <p>7 that year?</p> <p>8 A Like for anything or just posts?</p> <p>9 Q Yeah. Your total compensation in 2016,</p> <p>10 how much were you paid by Playboy?</p> <p>11 A I don't remember. I'd have to look back</p> <p>12 at the tax returns.</p> <p>13 Q Did you file your 2016 tax returns?</p> <p>14 A Yes.</p> <p>15 Q When did you file them?</p> <p>16 A Just recently.</p> <p>17 MR. SPIEGEL: For the record, we make a</p> <p>18 demand for the 2016 tax returns.</p> <p>19 MR. GOLASZEWSKI: You will have them.</p> <p>20 Q So we have a number of your tax returns.</p> <p>21 I just want to go through them pretty briefly, okay.</p> <p>22 MR. SPIEGEL: Off the record for a moment.</p> <p>23 (Whereupon, an off-the-record</p> <p>24 discussion was held at this</p> <p>25 time.)</p>
<p style="text-align: right;">Page 102</p> <p>1 T. TOTH</p> <p>2 A I mean, usually I get paid more, but I</p> <p>3 agreed to pay this, or to be paid for this, because</p> <p>4 this was something I wanted to do.</p> <p>5 Q You said they now agreed to pay more or</p> <p>6 for additional posts, correct?</p> <p>7 A Yes.</p> <p>8 Q When did they approach you to renegotiate</p> <p>9 this?</p> <p>10 A They did that through Playboy.</p> <p>11 Q When was that?</p> <p>12 A During this, at the end of last year.</p> <p>13 Q At the end of last year?</p> <p>14 A Mm hm. Sometime around there.</p> <p>15 Q Was this after the contract was over?</p> <p>16 A No, during.</p> <p>17 Q Do you have a new contract with them?</p> <p>18 A No. They just contact Playboy and pay us</p> <p>19 through Playboy. It wasn't required, it was just</p> <p>20 adding on more. So there wasn't a contract for</p> <p>21 more.</p> <p>22 Q As of March 2017, are you still being paid</p> <p>23 by Playboy for advertisements or posts?</p> <p>24 A Sometimes.</p> <p>25 Q So in March 2017, do you know how much you</p>	<p style="text-align: right;">Page 104</p> <p>1 T. TOTH</p> <p>2 (Whereupon, 2011 financial</p> <p>3 information was marked as</p> <p>4 Exhibit TT19 for</p> <p>5 Identification.)</p> <p>6 Q So in front of us is a tax return for you</p> <p>7 for 2011; is that correct?</p> <p>8 A Yes.</p> <p>9 Q Okay. If you would, go forward three</p> <p>10 pages. Schedule C, top left corner. It says,</p> <p>11 Schedule C 1040 for sole proprietorship, and it says</p> <p>12 Tiffany Gray which you said is your name, correct?</p> <p>13 A Correct.</p> <p>14 Q And it's for modeling. And on this return</p> <p>15 on the right-hand corner, it says your gross income</p> <p>16 is [REDACTED].</p> <p>17 Does that sound correct for 2011?</p> <p>18 A If that's on here, then yes.</p> <p>19 Q So that was your total income for 2011 to</p> <p>20 the best of your knowledge, correct?</p> <p>21 A I guess so.</p> <p>22 Q If you would, turn to tab 7.</p> <p>23 MR. SPIEGEL: And we can mark that as</p> <p>24 TT20.</p> <p>25 (Whereupon, 2012 financial</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISES

April 13, 2017  
105-108

Page 105

1 T. TOTH  
2 information was marked as  
3 Exhibit TT20 for  
4 Identification.)  
5 Q And this is your individual tax returns  
6 for 2012, correct?  
7 MR. GOLASZEWSKI: Objection.  
8 A Correct.  
9 Q Now if you would, turn to Page 4 of the  
10 tax return which is also marked Plaintiff's 001088.  
11 This is your Schedule C showing income of  
12 [REDACTED] correct?  
13 A Correct.  
14 Q Is this accurate, this number?  
15 A I think so.  
16 Q Okay. If you would, turn to tab 8 which  
17 we could mark as TT21.  
18 (Whereupon, 2013 financial  
19 information was marked as  
20 Exhibit TT21 for  
21 Identification.)  
22 Q These are individual tax returns for 2013,  
23 correct?  
24 MR. GOLASZEWSKI: Objection.  
25 A Correct.

Page 106

1 T. TOTH  
2 Q If you would, turn to the fourth page  
3 which is also marked as Plaintiff's 001102.  
4 The Schedule C shows that you made gross  
5 income of \$[REDACTED]; is that correct?  
6 A That's what it says here, so I guess  
7 that's correct.  
8 Q If you would, turn to tab 9, please.  
9 MR. SPIEGEL: Can you mark this as TT22.  
10 (Whereupon, 2014 financial  
11 information was marked as  
12 Exhibit TT22 for  
13 Identification.)  
14 Q This is showing your individual tax  
15 returns for 2014, correct?  
16 A Correct.  
17 Q If we turn to the fourth page which is  
18 also marked as Plaintiff's 001110.  
19 It shows gross income of \$[REDACTED]; is that  
20 correct?  
21 A It looks like that, yes.  
22 Q Okay. Now let's go to Exhibit 10, please.  
23 MR. SPIEGEL: Can we mark this as TT23.  
24 (Whereupon, 2015 financial  
25 information was marked as

Page 107

1 T. TOTH  
2 Exhibit TT23 for  
3 Identification.)  
4 A These are your individual tax returns for  
5 2015, correct?  
6 MR. GOLASZEWSKI: Objection.  
7 A Oh, yes.  
8 Q Now if you would, turn to marked as  
9 Plaintiff's 001134, and it's probably 10 or 15 pages  
10 deep.  
11 MR. GOLASZEWSKI: 001134.  
12 Q And here it shows that you made a gross  
13 income of [REDACTED], correct?  
14 A Correct.  
15 Q If you would, turn to the first page.  
16 Beginning of the tab.  
17 I'm sorry, can you actually turn two  
18 pages.  
19 MR. GOLASZEWSKI: Plaintiff's 1118?  
20 MR. SPIEGEL: Correct.  
21 Q So it shows here in a 1099 you received  
22 from Roma Costumes, correct?  
23 A Correct.  
24 Q And you received \$[REDACTED], correct?  
25 A Correct.

Page 108

1 T. TOTH  
2 Q What was entailed for this compensation?  
3 Why did they pay you?  
4 A It would have been a photo shoot.  
5 Q Do you know how many photo shoots this  
6 entailed?  
7 A I don't remember.  
8 MR. GOLASZEWSKI: Just for the record,  
9 there appears to be two 1099s on this page and  
10 they are identical amounts.  
11 They may very well be the same job, but  
12 just for the record, I don't know.  
13 Q If you would, turn to the next page. On  
14 top left corner, it says First Slice Media, LLC.  
15 And it looks as though you were  
16 compensated \$[REDACTED]; is that correct?  
17 A Correct.  
18 Q And do you know what this was for?  
19 A At the time, it was a company that I  
20 posted on my Facebook with them.  
21 Q So you reposted on your Facebook for them?  
22 MR. GOLASZEWSKI: Objection.  
23 A No, I posted articles.  
24 Q So no photographs were included?  
25 A No, not of me.

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
109-112

<p style="text-align: right;">Page 109</p> <p>1 T. TOTH</p> <p>2 Q Okay. If we turn to the next page which</p> <p>3 is Plaintiff's 001120. And this is J. Valentine.</p> <p>4 A Valentine.</p> <p>5 Q Valentine Inc. What is J. Valentine Inc.?</p> <p>6 A It's a costume lingerie company.</p> <p>7 Q And you were compensated \$[REDACTED], correct?</p> <p>8 A That's with it says here.</p> <p>9 Q Was this for a photo shoot?</p> <p>10 A It could have been. 2015. I mean, I've</p> <p>11 worked like an appearance for them before.</p> <p>12 Q So do you know what this money was for?</p> <p>13 A Probably a photo shoot, but I can't say</p> <p>14 for sure.</p> <p>15 Q I'm sorry, and what kind company is J.</p> <p>16 Valentine, Inc.?</p> <p>17 A Like lingerie, costumes.</p> <p>18 Q Are they known by any other name, any</p> <p>19 other website?</p> <p>20 A Not that I know of.</p> <p>21 Q Do you know if you have a release or</p> <p>22 contracts signed with J. Valentine?</p> <p>23 A A release.</p> <p>24 Q If we turn to the next page, Plaintiff's</p> <p>25 001121.</p>	<p style="text-align: right;">Page 111</p> <p>1 T. TOTH</p> <p>2 Q So this [REDACTED] this is for a photo shoot?</p> <p>3 A I've only done photo shoots with them,</p> <p>4 yes.</p> <p>5 Q Only if you know, do you know how many</p> <p>6 photos shoot you did in 2015 to receive this number?</p> <p>7 MR. GOLASZEWSKI: Objection.</p> <p>8 A I don't remember for 2015.</p> <p>9 Q Over your lifetime, do you know how many</p> <p>10 photo shoots you've done for 81 Enterprises Inc.</p> <p>11 A I have not clue.</p> <p>12 Q Is it somebody you work with today?</p> <p>13 A Yes.</p> <p>14 Q Do you have a contract with them?</p> <p>15 A No contract.</p> <p>16 Q Do you have a release with them?</p> <p>17 A Release. With that clause in there.</p> <p>18 Q Do you have a release with them for 2015?</p> <p>19 A I always have a release with them, yes.</p> <p>20 Q Do you have a release in your possession.</p> <p>21 When I say in your possession, I mean in your home</p> <p>22 or your records anywhere?</p> <p>23 A Yes.</p> <p>24 MR. SPIEGEL: If it's not already</p> <p>25 produced, I would like to have it produced.</p>
<p style="text-align: right;">Page 110</p> <p>1 T. TOTH</p> <p>2 And it says you received \$[REDACTED] from</p> <p>3 Cunningham Escott Slevin and Doherty.</p> <p>4 What kind of company was that?</p> <p>5 A That was CESD.</p> <p>6 Q What is CESD?</p> <p>7 A That's the agency.</p> <p>8 Q Why did you receive [REDACTED]?</p> <p>9 A That would have been for a job.</p> <p>10 Q Photo shoot?</p> <p>11 A I don't remember exactly what it was. It</p> <p>12 might have been when I first started. I don't</p> <p>13 remember what job it was.</p> <p>14 Q And if you turn the page, please. It's</p> <p>15 Plaintiff's 001122. This was [REDACTED] from LVC, LLC.</p> <p>16 Do you recall what kind of company this</p> <p>17 is?</p> <p>18 A I don't even know who that is.</p> <p>19 Q If you turn the page, it's from 81</p> <p>20 Enterprises, Inc. You received \$[REDACTED]</p> <p>21 Do you know what company kind of company</p> <p>22 81 Enterprises, Inc. is?</p> <p>23 A Yes.</p> <p>24 Q What kind of company is it?</p> <p>25 A A lingerie.</p>	<p style="text-align: right;">Page 112</p> <p>1 T. TOTH</p> <p>2 THE WITNESS: I can get it before we</p> <p>3 leave.</p> <p>4 MR. SPIEGEL: Even better.</p> <p>5 Q Turn the page to Plaintiff's 001124.</p> <p>6 A The net page?</p> <p>7 Q Yes, please. This is from</p> <p>8 HH Entertainment, Inc.</p> <p>9 Do you know what type of company</p> <p>10 HH Entertainment Inc. is?</p> <p>11 A I don't remember.</p> <p>12 Q Okay. And if you turn the page, there</p> <p>13 appears to be 1099s for Hyperdrive Corp. and there</p> <p>14 are four of them here. But they look to be the</p> <p>15 same.</p> <p>16 It all looks to be the same amount?</p> <p>17 A It looks like copies.</p> <p>18 Q Those are copies?</p> <p>19 A Yeah.</p> <p>20 Q Do you know what kind of company</p> <p>21 Hyperdrive Corp. is?</p> <p>22 A I don't remember.</p> <p>23 Q Do you recall what this compensation is</p> <p>24 for?</p> <p>25 A Uh-huh.</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
113-116

<p style="text-align: right;">Page 113</p> <p>1 T. TOTH</p> <p>2 Q If you could, turn the page, please.</p> <p>3 Plaintiff's 001126. Looks like you have one check</p> <p>4 for [REDACTED] and a duplicate check here. Another check</p> <p>5 for [REDACTED], and a duplicate check there. I'm sorry,</p> <p>6 take that back. Strike that.</p> <p>7 These are different checks just for the</p> <p>8 same amount, but for different dates; is that</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q What kind of company is Bench Warmer?</p> <p>12 A It's like trading cards.</p> <p>13 Q And it has you featured on the cards and</p> <p>14 some personal information about you on them?</p> <p>15 A Yes.</p> <p>16 Q How were you compensated by Bench Warmer?</p> <p>17 Was it per sale of the trading cards, or</p> <p>18 did they just pay you flat rate?</p> <p>19 A I've done where I've been paid for photo</p> <p>20 shoots. I've been paid to sign. There are multiple</p> <p>21 times I would come in and sign some cards and get</p> <p>22 paid. I've been paid to post for them. So I mean,</p> <p>23 it's different all the time.</p> <p>24 Q So in this particular instance where we</p> <p>25 have checks for [REDACTED], do you recall</p>	<p style="text-align: right;">Page 115</p> <p>1 T. TOTH</p> <p>2 Q Do you know what that was for?</p> <p>3 A I don't remember who Caps is. I don't</p> <p>4 remember who that is. Sometimes they have different</p> <p>5 names. I don't remember.</p> <p>6 Q And another check from Bench Warmer.</p> <p>7 So Bench Warmer, are they taking photos of</p> <p>8 you, or are you giving them photos from them to put</p> <p>9 on a plate?</p> <p>10 A They pay you to do a photo shoot.</p> <p>11 Q So at the very bottom, that check for</p> <p>12 [REDACTED] --</p> <p>13 A That wouldn't be for the shoot.</p> <p>14 Q So do they pay you both for the shoot and</p> <p>15 for the sale of the cards?</p> <p>16 A Each time you come in and sign some cards,</p> <p>17 they pay you.</p> <p>18 Q How do you know that's not for the shoot?</p> <p>19 A Because I would have been paid more for</p> <p>20 the shoot.</p> <p>21 Q Do you know what you were paid for the</p> <p>22 shoots?</p> <p>23 A I don't remember. It's not here, so I</p> <p>24 don't remember.</p> <p>25 Q If you could, turn to Plaintiff's 00128.</p>
<p style="text-align: right;">Page 114</p> <p>1 T. TOTH</p> <p>2 what this entailed?</p> <p>3 A It was probably to sign some cards.</p> <p>4 Q And below that is two checks for [REDACTED]</p> <p>5 for a Spicy Lingerie, correct?</p> <p>6 A Correct.</p> <p>7 Q Do you recall what that was for?</p> <p>8 A I don't know. It says on here, hashtag</p> <p>9 modeling. So I don't know if it was like a post</p> <p>10 or -- I'm not sure. I've worked for them quite a</p> <p>11 bit.</p> <p>12 Q Turn the page to Plaintiff's 001127. The</p> <p>13 top check is from Golyta International Inc. I don't</p> <p>14 know if I'm saying that right. And it's a check for</p> <p>15 [REDACTED] and the bottom left, it says iCollection photo</p> <p>16 shoot.</p> <p>17 Does that ring a bell?</p> <p>18 A Yes, that sounds familiar.</p> <p>19 Q What was this for?</p> <p>20 A Don't know. I don't remember.</p> <p>21 Q Okay. This looks like a copy of a check,</p> <p>22 if you read below, which is for [REDACTED] from Caps,</p> <p>23 LLC.</p> <p>24 Do you see that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 T. TOTH</p> <p>2 MR. GOLASZEWSKI: For the record, it's</p> <p>3 001128.</p> <p>4 MR. SPIEGEL: I'm sorry. Thank you.</p> <p>5 Q Plaintiff's 001128. The second check down</p> <p>6 is for AW Production Inc. for [REDACTED]. On the bottom</p> <p>7 left it says, let's F/S full day.</p> <p>8 Is that for a full day of photo shoots?</p> <p>9 A I think that's -- I mean, I've done makeup</p> <p>10 for them too. So I don't know if that was for doing</p> <p>11 makeup on the model. I don't know. I don't</p> <p>12 remember. I've worked with them as a makeup artist</p> <p>13 as well.</p> <p>14 Q Have you gone to cosmetologist school?</p> <p>15 A No. You don't need it to work on photo</p> <p>16 shoots, only if you work in a salon.</p> <p>17 Q Okay. And the next check down for [REDACTED]</p> <p>18 from National Corset Supply House.</p> <p>19 And do you see where it says for, it say's</p> <p>20 body shots, photo?</p> <p>21 A Okay. Yes.</p> <p>22 Q Do you recall what this was for?</p> <p>23 A I don't remember that one.</p> <p>24 Q Okay. And the next one below it, if from</p> <p>25 Pacific Group NY, LLC for a [REDACTED]</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
117-120

Page 117

1 T. TOTH

2 Do you recall what that was for?

3 A I don't recognize that name either.

4 Q Okay. And the next page which is

5 Plaintiff's 001129. There's a check for \$[REDACTED] from

6 Spicy Lingerie.

7 Do you recall what this was for?

8 A I do not. It just says hashtag model. So

9 I don't know.

10 Q Have you ever done any work for Spicy

11 Lingerie outside of modeling?

12 A What do you mean?

13 Q Other than modeling for photo shoots, have

14 you done any other work with them?

15 A I don't remember if I have for not.

16 Q The next page which is marked as

17 Plaintiff's 001130, and this says financial

18 statements. I don't know what this is. This was

19 produce indeed discovery.

20 Is this from your checking account?

21 A This looks like PayPal.

22 Q So where it has sales activity of

23 \$[REDACTED].

24 Do you see that five rows down?

25 A Yes.

Page 118

1 T. TOTH

2 Q Is that from your sales of photographs?

3 A That would have been anybody who paid me

4 with PayPal. So I couldn't give a specific, who

5 it's from or from what.

6 Q So you have no way to know how much of

7 this \$[REDACTED] is attributed to modeling, correct?

8 A I mean, it would all be from modeling,

9 because I don't get PayPal money from anywhere else

10 besides if it's for like posting something or a job

11 or -- I mean, nobody's just sending me money to my

12 PayPal, you know.

13 Q So prior to this when were speaking about

14 you doing the posting, I think we saw a check here

15 for First Slice Media, LLC for \$[REDACTED].

16 So when they gave you that money, they

17 give you a check?

18 A Yes.

19 Q So whenever you do posts on social media,

20 you receive checks?

21 A Checks or PayPal or direct deposit.

22 Q So sometimes you do receive PayPal

23 compensation when you're reposting on social media?

24 A Yes.

25 Q Okay. So this \$[REDACTED] that you received

Page 119

1 T. TOTH

2 for the reposting from First Slice Media, this was

3 all part of your tax returns in 2015, correct?

4 A It should be, if it was. My husband does

5 the taxes, so I just hand over everything.

6 Q I just want to make sure that I understand

7 that your income from 2015, your reported income of

8 \$[REDACTED], I want to see how much of that is

9 attributed to modeling and how much of that is

10 attributed to posting, makeup, whatever else you're

11 doing on the side.

12 Do you have any idea of how much this

13 \$[REDACTED] would be attributed to modeling?

14 MR. GOLASZEWSKI: Objection.

15 A All of it, because that's my -- I mean, I

16 only work maybe makeup jobs here on there if I want

17 to. But for the most part, it's -- I'd say,

18 99 percent is modeling.

19 Q So do you consider the reposting on

20 Facebook modeling?

21 A It is, yes.

22 Q Same thing. So for this First Slice

23 Media -- just talking about them only -- correct me

24 if I'm wrong, I think you said before that you were

25 reposting articles?

Page 120

1 T. TOTH

2 A Yes, articles. But about -- they could

3 have an article about you if they wanted, as well.

4 Q But not all the reposting that you're

5 doing has a picture of you this it, correct?

6 A Correct.

7 Q And that's all encompassed in this

8 modeling Schedule C, correct?

9 A Yes.

10 MR. SPIEGEL: Off the record.

11 (Whereupon, an off-the-record

12 discussion was held at this

13 time.)

14 Q So part of the allegations in the lawsuit

15 is that you do not want to be associated with a

16 strip club, correct?

17 A Correct.

18 Q Have you ever worked as an exotic dancer

19 or stripper?

20 A No.

21 Q Have you ever worked in a strip club?

22 A No.

23 Q Have you ever worked as an escort, even no

24 just sex, companionship?

25 A No.

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
121-124

Page 121

1 T. TOTH

2 Q Have you ever done any advertisement for a

3 strip club?

4 A No.

5 Q Have you ever seen an advertisement for a

6 strip club?

7 A Yes.

8 Q Do you expect those women who are

9 advertising for the strip club to be present at the

10 strip club?

11 A Probably. If they're advertising it, yes.

12 Q Have you ever been to a strip club?

13 A Yes.

14 Q Have you ever seen an advertisement for

15 that strip club that you've been to?

16 A What do you mean? Like on a billboard

17 somewhere?

18 Q Sure.

19 A Yes.

20 Q Were those women that you saw advertising

21 for that strip club at the strip club?

22 A They could have been. I mean, sometimes

23 they're good looking. Sometimes they're not. It's

24 hard to tell sometimes.

25 Q Have you ever typed your name into Google?

Page 122

1 T. TOTH

2 A Back in the day, yes. But I keep from

3 doing so.

4 Q Not recently?

5 A No, I do not Google my name. I refuse.

6 Q Are you aware that you have your image and

7 videos on pornographic websites?

8 MR. GOLASZEWSKI: Objection.

9 A It happens, yes.

10 Q Are you aware of it though?

11 MR. GOLASZEWSKI: Objection.

12 A Yes. I mean, you can't control everything

13 on the internet.

14 Q Did you authorize pornographic websites

15 to put your images or photos on their website?

16 A No, not on their website.

17 Q Have you ever tried to remove photos or

18 videos of yourself from any pornographic websites?

19 A I'm sure I have.

20 Q Any that you recall?

21 A I mean, I haven't Google in a long time.

22 The only thing I search is on social media.

23 Q Are you familiar with the other plaintiffs

24 in this case?

25 A Yes.

Page 123

1 T. TOTH

2 Q Do you know them on a personal level?

3 A No.

4 Q You just know them from the lawsuit?

5 A Yes.

6 Q I'm going to show you the caption of the

7 complaint which is marked as TT1. I would like you

8 to take a look at all the named plaintiffs and see

9 if you recognize any of the names.

10 A Yes.

11 Q Which ones do you recognize?

12 A Gemma, Jessa.

13 Q Gemma's last name is Gemma Lee Farrell?

14 A Yes.

15 Q And Jessa Hinton?

16 A Yes. Jesse Golden. I think I worked with

17 Sheena back in the day. I don't know her

18 personally, no. Heather Rae Young. Rachel.

19 Sabella, I think I worked with once. I know Ursala,

20 and I met Carmen once on a job.

21 Q So you know pretty much all of them?

22 A Pretty much.

23 Q These are exhibits to the complaint, but

24 I've redacted the names.

25 I just want to know if you could tell me

Page 124

1 T. TOTH

2 who these people are.

3 A Okay.

4 Q Because on the exhibits we received in the

5 complaint, it has everyone's name, okay.

6 A Yes.

7 Q So the first one I'm going to show you is

8 Exhibit B of the complaint. Same photo, just with

9 the name redacted.

10 Do you know who that is?

11 A Yes, that's Gemma.

12 Q That's Gemma. Are you friends with Gemma?

13 A I know her because she's a Playmate as

14 well.

15 Q Okay. I'm going to go to -- I'm sorry,

16 this is Exhibit D of the complaint.

17 It's a smaller photo, but do you know who

18 that is?

19 A That looks like Heather.

20 Q Heather --

21 A Heather Rae Young.

22 Q And if you could, turn to the next one

23 which is Exhibit E of the complaint.

24 Do you know who that is?

25 A That would be Rachel, and Sabella on the

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISES

April 13, 2017  
125-128

Page 125

1 T. TOTH

2 right.

3 Q Turn to the next one, Exhibit G of the

4 complaint.

5 A Okay.

6 Q Do you recognize anyone in any of those

7 photos?

8 A That would be -- oh, my God, why can't I

9 think of her name right now.

10 Q But you know who she is?

11 A Yes. Her last name is Mayes.

12 Q Can you turn to the next one, please,

13 Exhibit H. Can you turn to the photo.

14 Do you know who that is?

15 A That's Jessa Hinton.

16 Q Okay. Can you turn to the next one,

17 please, Exhibit J?

18 A I'm sorry. Going back, it was Ursula.

19 MR. GOLASZEWSKI: Mayes.

20 A It's a unique name.

21 Q Exhibit J, can you look at the photograph?

22 A Yes. That is Jesse. I think so. It's

23 pretty like grainy, but it looks like it's Jesse.

24 Q If you could turn to the next one, Exhibit

25 L of the complaint.

Page 126

1 T. TOTH

2 A That's Jesse for sure.

3 Q If you could turn to the next one, Exhibit

4 M of the complaint.

5 A I do not know her.

6 Q Okay. You can turn to the next one,

7 Exhibit N of the complaint.

8 A That would be Sheena.

9 Q Okay. Next one, Exhibit O of the

10 complaint.

11 A That's carmen.

12 Q Do you consider yourself famous or a

13 celebrity?

14 MR. GOLASZEWSKI: Objection.

15 A I mean, if people recognizing when you're

16 out. I mean, it kind of depends on who you ask.

17 Q Just you personally, do you think of

18 yourself as a celebrity?

19 MR. GOLASZEWSKI: Objection.

20 A I mean, how do you define that really?

21 Q Well, do you put yourself out for the

22 public?

23 A Yeah. So like an influencer, yes.

24 Q So you're saying people stop and even

25 recognize you when you're out.

Page 127

1 T. TOTH

2 Does that happen often?

3 MR. GOLASZEWSKI: Objection.

4 A When I'm made up and look like my photos,

5 yes.

6 Q When did you get to New York?

7 A Last night.

8 Q So when you got to New York, when you

9 arrived in New York, going from the airport to your

10 hotel and here today, has anyone recognized you?

11 MR. GOLASZEWSKI: Objection.

12 A No, because I did not like my photo.

13 Q What about over the past week.

14 Has anybody stopped and you recognized

15 you?

16 A I mean, sometimes people recognize me, but

17 they don't see anything. I'll see it later on my

18 social media like oh, I saw you here. Were you

19 here? Sometimes they come up to my husband. So I

20 mean, they don't always tell you.

21 Q So when you say when you're dressed up and

22 when you're going for a photo shoot and you're in

23 makeup?

24 MR. GOLASZEWSKI: Objection.

25 Q I'm just trying to clarify what you said

Page 128

1 T. TOTH

2 before.

3 You're saying when you're dressed up,

4 people recognize you?

5 A Sometime, yeah. I mean, there have been

6 times I've been out and they recognize you too and I

7 didn't look that great.

8 Q So did you have any friends or fans

9 recognize you from the advertisements on the

10 defendants' websites?

11 MR. GOLASZEWSKI: Objection.

12 Q And inform you that you were associated

13 with the strip clubs?

14 A I mean, I don't always check all the

15 comments. But sometimes, I mean, with all my

16 followers, they'll see it or they'll comment to me

17 or they'll message me.

18 What was the question exactly?

19 Q Do any of your friends or fans, anyone

20 ever recognize you through the ads that were

21 displayed by the Clubs?

22 A Yes.

23 Q Did somebody post something online

24 informing you of this, or did somebody call you?

25 Like how did you find out about that?

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
129-132

<p style="text-align: right;">Page 129</p> <p>1 T. TOTH</p> <p>2 Q I've had, like for example, like two years</p> <p>3 ago, I was in New York walking through Time Square,</p> <p>4 and I was walking to dinner with my husband, and</p> <p>5 there's a picture of me, life-size in front of a</p> <p>6 strip club. Like sometimes I see them myself.</p> <p>7 There has been times fans have sent me saying they</p> <p>8 see it. I mean, it's so many people on social media</p> <p>9 now, it's not hard to find.</p> <p>10 And obviously, like us models will look</p> <p>11 out for each other. They could be like hey, I saw</p> <p>12 your picture here. I mean, we all kind of know each</p> <p>13 other.</p> <p>14 Q Has your agent -- does your agent know</p> <p>15 that your images were used to advertise for the</p> <p>16 strip clubs?</p> <p>17 MR. GOLASZEWSKI: Objection.</p> <p>18 A I think -- yeah, I'm pretty sure. I think</p> <p>19 so.</p> <p>20 Q Did you tell your agent about it, or did</p> <p>21 your agent tell you about it?</p> <p>22 MR. GOLASZEWSKI: Objection.</p> <p>23 A I don't remember.</p> <p>24 Q When I say "your agent," I mean any of the</p> <p>25 agents that you have.</p>	<p style="text-align: right;">Page 131</p> <p>1 T. TOTH</p> <p>2 right?</p> <p>3 A Yes.</p> <p>4 Q Do you consider this picture to be</p> <p>5 offensive?</p> <p>6 MR. GOLASZEWSKI: Objection.</p> <p>7 A Not the photo when I shot it, no.</p> <p>8 Q So what is offensive about this picture</p> <p>9 then?</p> <p>10 A Because someone took this without my</p> <p>11 permission and put it on their flyer to hopefully</p> <p>12 bring in business. And my job is, I get paid to</p> <p>13 model, and they didn't pay me for this, and I don't</p> <p>14 do my job for free.</p> <p>15 Q If you look at the --</p> <p>16 A And because it's a strip club, and I don't</p> <p>17 choose to be associated with a strip club.</p> <p>18 Q You said that you saw your image walking</p> <p>19 through Time Square in front of a strip club,</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q Was it this image you saw?</p> <p>23 A No, it was not this image.</p> <p>24 Q So turn the page, the second page of</p> <p>25 Exhibit A.</p>
<p style="text-align: right;">Page 130</p> <p>1 T. TOTH</p> <p>2 A Yes.</p> <p>3 Q Let's go back a second. Talking about all</p> <p>4 three of your agents, did any of them ever contact</p> <p>5 you and say your likeness was being associated with</p> <p>6 a strip club?</p> <p>7 A No. I don't think that they -- I don't</p> <p>8 remember.</p> <p>9 Q Okay. Have you ever been contacted by a</p> <p>10 strip club offering you employment?</p> <p>11 A No. Not that I'm aware of.</p> <p>12 Q Since these images have been posted, have</p> <p>13 you been contacted by any strip clubs looking to</p> <p>14 post your pictures to advertise for them?</p> <p>15 A No.</p> <p>16 Q So as far as these images that were used</p> <p>17 by the clubs, what did you do to try have those</p> <p>18 images removed?</p> <p>19 A I contacted a lawyer.</p> <p>20 Q Let's go pack to the complaint which is</p> <p>21 marked as TT1.</p> <p>22 The first photo of Exhibit 1 is in</p> <p>23 promotion of the Halloween party, correct?</p> <p>24 A Yes.</p> <p>25 Q At the strip club, as far as you know,</p>	<p style="text-align: right;">Page 132</p> <p>1 T. TOTH</p> <p>2 Was it this image you saw?</p> <p>3 A No, not this.</p> <p>4 Q It's a different image?</p> <p>5 A Yes.</p> <p>6 Q It's the image not in Exhibit A here?</p> <p>7 A It's not for this company.</p> <p>8 Q It's for a different strip club?</p> <p>9 A Yeah. I'm just saying, like I've seen my</p> <p>10 images out there.</p> <p>11 Q Have you seen your image being advertised</p> <p>12 in front of a strip club for any of these named</p> <p>13 defendants in this lawsuit?</p> <p>14 A No, because it was just that one time when</p> <p>15 I was in New York which I am not here often.</p> <p>16 Q Which strip club is it that you saw</p> <p>17 advertising your picture?</p> <p>18 A I mean, that's all confidential. So I</p> <p>19 can't really say.</p> <p>20 Q No, you could say. This is subject to a</p> <p>21 confidentiality agreement.</p> <p>22 MR. GOLASZEWSKI: If you know the name of</p> <p>23 the club that in which the billboard was in</p> <p>24 front of, you can certainly testify to that.</p> <p>25 A I think it was the Diamond one. I'm not</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
133-136

Page 133	Page 135
<p>1 T. TOTH</p> <p>2 familiar with like all strip clubs, because they</p> <p>3 have different affiliations.</p> <p>4 Q So you were saying before that you</p> <p>5 contacted a lawyer.</p> <p>6 That wasn't regarding this lawsuit, it was</p> <p>7 regarding a different lawsuit against that club?</p> <p>8 A Correct.</p> <p>9 Q Without telling me the details of what</p> <p>10 happened, is that matter still going on, or has it</p> <p>11 been resolved?</p> <p>12 A It's been resolved.</p> <p>13 Q How long ago did you resolved it?</p> <p>14 A I don't remember exactly.</p> <p>15 Q So going back to the first picture,</p> <p>16 please, of Exhibit A of the complaint.</p> <p>17 How did you first come to find out about</p> <p>18 this picture being used by the strip club?</p> <p>19 A I don't remember.</p> <p>20 Q Did somebody bring this to your attention</p> <p>21 or did you see this yourself?</p> <p>22 A It could have been myself or it could have</p> <p>23 been another model maybe saw it. I mean, if one of</p> <p>24 us goes on there and sees one, we usually see girls</p> <p>25 we know, and we're not going to not tell each other.</p>	<p>1 T. TOTH</p> <p>2 Q But you currently have multiple lawsuits</p> <p>3 pending, correct?</p> <p>4 A Correct.</p> <p>5 Q Are the other establishments that you're</p> <p>6 suing also strip clubs?</p> <p>7 A Yes.</p> <p>8 Q All of them?</p> <p>9 A Not all of them.</p> <p>10 Q What other establishments are being sued?</p> <p>11 A Well, anyone I don't want to be affiliated</p> <p>12 with. For example, swinger clubs or strip clubs.</p> <p>13 Q If you look at the second image on the</p> <p>14 second page.</p> <p>15 Do you find this advertisement to be</p> <p>16 offensive?</p> <p>17 MR. GOLASZEWSKI: Objection.</p> <p>18 A Not the picture itself. Well, kind of,</p> <p>19 because it's saying that to leave anything to the</p> <p>20 imagination when the reality is even better.</p> <p>21 Meaning, that the reality of it is that I'm going to</p> <p>22 be here at the strip club which is not true. False</p> <p>23 advertisement.</p> <p>24 Q Okay. Thank you. We're going to stick on</p> <p>25 Exhibit A. I'm going to go through -- these are</p>
Page 134	Page 136
<p>1 T. TOTH</p> <p>2 But it's not hard. When you're on social media a</p> <p>3 lot, when it comes time for Halloween, there's a</p> <p>4 million Halloween parties, and then someone steals</p> <p>5 your image. It's not that hard. They're out there.</p> <p>6 They're advertising, obviously, so it's reaching</p> <p>7 people, and I'm one of those people.</p> <p>8 Q So if you go on Google Images and you do a</p> <p>9 search for you, you probably see a lot of pictures</p> <p>10 there that you didn't authorize of the use of,</p> <p>11 correct?</p> <p>12 MR. GOLASZEWSKI: Objection.</p> <p>13 A There could be.</p> <p>14 Q Have you ever done that, just done a</p> <p>15 Google Image search and look for the pictures that</p> <p>16 were published without your permission?</p> <p>17 A When I was younger, yes.</p> <p>18 Q But you don't do that anymore?</p> <p>19 A I haven't done it in years.</p> <p>20 Q So why do you choose to bring this</p> <p>21 particular lawsuit?</p> <p>22 A Because I became aware of this one. I</p> <p>23 mean, I can only take one at a time. If I could do</p> <p>24 them all, I would. But I will now, though, so thank</p> <p>25 you.</p>	<p>1 T. TOTH</p> <p>2 pretty specific allegations of the complaint. So</p> <p>3 I'm going to ask you certain things.</p> <p>4 So looking in Exhibit A of the complaints</p> <p>5 with these pictures here -- you could go through</p> <p>6 them if you'd like.</p> <p>7 A Okay.</p> <p>8 Q What about these images do you believe is</p> <p>9 misleading or false?</p> <p>10 MR. GOLASZEWSKI: Objection.</p> <p>11 A So what's false?</p> <p>12 Q False or misleading about these images in</p> <p>13 Exhibit A.</p> <p>14 A It's giving people the idea that I'm going</p> <p>15 to be at this event, and that I'm okay with being at</p> <p>16 a strip club -- I mean, being advertised that I</p> <p>17 either work there or I'm going to be there.</p> <p>18 What else does it say?</p> <p>19 And that girls are guaranteed to cool you</p> <p>20 off which is not true.</p> <p>21 Q Do you believe that using your image --</p> <p>22 A This --I'm sorry.</p> <p>23 Q No, I'm sorry. Continue.</p> <p>24 A This also says another hard week in front</p> <p>25 of you. Come and get ready for it. Which I'm not</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
137-140

Page 137

1 T. TOTH

2 in front of whoever is going for this. Yeah, it's

3 just offensive, because I'm not affiliated with any

4 strip clubs.

5 Q Do you believe that using your image had

6 an effect on a person visiting the strip club?

7 A Yes.

8 Q In what way?

9 A Because if they's put a fat unattractive

10 man on here, they would not show up.

11 Q But do you think that using your image in

12 particular, Tiffany Toth's image, had an effect on

13 someone coming to the strip club?

14 MR. GOLASZEWSKI: Objection.

15 A Yes.

16 Q Why?

17 A Because I'm a Playmate, a model who models

18 lingerie and costumes, and they figured in that that

19 brings male attention which is a lot of their

20 customers.

21 Q Wouldn't you agree that if you put the

22 image of any attractive woman as the advertisement

23 of the strip club, it would have the same effect as

24 having your image?

25 MR. GOLASZEWSKI: Objection.

Page 138

1 T. TOTH

2 A No.

3 Q Why not?

4 A Because they would have used their own

5 girls that really work there, but they didn't.

6 Because if they believe that their girls bought in

7 attention, they would have used them for it.

8 Q What I'm saying is that could they have

9 used the image of any woman who in a bikini, to

10 advertise for the strip, having the same effect as

11 having you advertise for the strip club?

12 MR. GOLASZEWSKI: Objection.

13 A I mean, there's no way to really say for

14 sure.

15 Q Your opinion.

16 A But it's not a fact, so I don't know.

17 Q Do you claim that you were injured as a

18 result of these posting?

19 A Injured how?

20 Q Damaged, economically endangered?

21 A I mean, for us in our industry, if they

22 just -- when you don't -- how do I say this?

23 If someone sees something they're not

24 happy with or thinks you're affiliated with, they're

25 not going to hire you and they're not going to tell

Page 139

1 T. TOTH

2 you. So you have no way of knowing. So it's kind

3 of like going to an audition, you don't know why you

4 didn't get the job. They're not going to call every

5 single person.

6 So for example, had Playboy when was in my

7 contract, and they saw this and thought I, you know,

8 shot for this or I'm appearing here, they won't book

9 me anymore. So I lose work, and they don't tell you

10 why. Playboy would, but most jobs, they're just

11 going to see you affiliated with this, and they're

12 not going to hire you

13 Q Do you believe that your personal

14 reputation has suffered because of this?

15 MR. GOLASZEWSKI: Objection.

16 A I mean, I -- personally, it's just

17 offensive. I mean, people that know me, know me.

18 Q And the people that know you, know that

19 you didn't sign up for this, correct?

20 A Yeah, correct. But other people don't.

21 Q Who is other people?

22 A Society. People on social media. They

23 figure if your face is on something, it was a job

24 that you were paid for, that you agreed to that.

25 Q So as far as you know, were you ever

Page 140

1 T. TOTH

2 turned down from a photo shoot because of these

3 postings?

4 A They won't tell you. They just don't hire

5 you.

6 Q So as far as you know, that didn't happen?

7 A I mean, you don't know. That's just not

8 like how the industry works. They just don't tell

9 you.

10 Q Do you contend that you have suffered

11 future loss of earnings because of these posting?

12 A It could, yes.

13 Q Do you know when these photos were posted?

14 A These ones on their social media?

15 Q Yes.

16 A I mean, it usually says on them.

17 Q You can look through.

18 A I don't know. It looks like it was

19 cropped out, so it doesn't say exactly.

20 Q So you could look at the second page. It

21 actually has on there, April 15, 2014.

22 A Yeah.

23 Q I believe that's the only one with the

24 date.

25 So the only one we see here is April 2014,

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
141-144

Page 141

1 T. TOTH

2 correct?

3 A Correct.

4 Q And as of the date of filing this lawsuit

5 in January of 2016, are you aware of whether or not

6 these pictures are still posted?

7 A I haven't checked recently.

8 Q From January 2016 when this lawsuit was

9 first filed, are you aware whether or not those

10 photos were still being used by these defendants?

11 A I don't remember.

12 Q But you testified before that your income

13 [REDACTED], correct?

14 MR. GOLASZEWSKI: Objection.

15 A Yeah, because social media wasn't as big

16 as it is now.

17 Q When? 2014, it wasn't as big as it is

18 now?

19 A Yeah. I don't even know if I was on

20 Instagram. I mean, social media is kind of a bigger

21 thing than it was.

22 Q But as far as your personal income, from

23 2014 to when these photos were first posted to 2015,

24 [REDACTED]?

25 A Probably because of social media too.

Page 142

1 T. TOTH

2 Q Because of social media, okay.

3 Do you have any feeling either way, or

4 knowledge either way, whether or not these

5 defendants intended to use Tiffany Toth's pictures

6 on their advertisement?

7 MR. GOLASZEWSKI: Objection.

8 A I have no way of knowing that.

9 Q Whether or not they knew you from before

10 and chose your pictures to put on their website?

11 MR. GOLASZEWSKI: Objection.

12 A They could have.

13 Q Do you know -- and going back to what you

14 said before -- is that these photos were taken on

15 behalf of Roma and Mystery House, right.

16 Do you know whether or not Roma sold your

17 photos to third parties?

18 A They do not.

19 Q How do you know that?

20 A Because it's in their release. And they

21 only use their images with, for example, a website

22 that carries their product. That's all that the

23 release allows.

24 Q Okay. And as far as Mystery House, are

25 you aware of whether or not they sell their images

Page 143

1 T. TOTH

2 to third parties?

3 A They do not.

4 Q And it's because you say this is also this

5 the release for Mystery House?

6 A Yes, because I only signed for them to use

7 for their catalogs and their flyers.

8 Q Okay. And if you could look through the

9 Exhibit A. I didn't see anywhere where it was

10 indicated your name. Scroll through them.

11 I didn't see anywhere where these

12 defendants ever indicated this is Tiffany Toth; is

13 that correct?

14 MR. GOLASZEWSKI: Objection.

15 A Correct. They don't need to.

16 Q And just looking at your complaint also,

17 you claim that you've been endangered \$75,000,

18 correct?

19 MR. GOLASZEWSKI: Objection.

20 A Correct. If that's what it says, yes.

21 Q How did you come up with that number?

22 A Well, I have an expert that helps me with

23 that, that knows how this works.

24 Q Do you think that is a fair amount to be

25 paid for these photos?

Page 144

1 T. TOTH

2 A Yes.

3 Q Why do you think that's a fair amount?

4 A Because I would have never even done the

5 job for any amount of money.

6 Q Now, do you know whether or not that these

7 defendants knew that they didn't have permission to

8 use your photographs?

9 MR. GOLASZEWSKI: Objection.

10 A I'm sorry, repeat that.

11 Q Do you have any knowledge either way

12 whether or not these defendants knew that they

13 didn't have permission or a license to use these

14 photographs?

15 A I can't say that for sure. I mean, it's

16 common knowledge. You don't just take photos.

17 Everybody has their rights. But I would assume they

18 knew better.

19 MR. SPIEGEL: Off the record.

20 (Whereupon, an off-the-record

21 discussion was held at this

22 time.)

23 MR. SPIEGEL: Rebecca Goldstein is just

24 going to ask a couple of questions.

25 EXAMINATION BY

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISESApril 13, 2017  
145-148

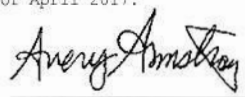
<p style="text-align: right;">Page 145</p> <p>1 T. TOTH</p> <p>2 MS. GOLDSTEIN:</p> <p>3 Q Have you ever heard of a company called</p> <p>4 Timed Out, LLC.</p> <p>5 A Yes.</p> <p>6 Q How are you affiliated with them?</p> <p>7 MR. GOLASZEWSKI: Objection.</p> <p>8 A I know him personally.</p> <p>9 Q Who is him?</p> <p>10 A Peter.</p> <p>11 Q Peter. What's his last name?</p> <p>12 A Peter Hamm.</p> <p>13 Q And does Peter Hamm own Timed Out, LLC, to</p> <p>14 the best of your knowledge?</p> <p>15 A Correct.</p> <p>16 Q What does Timed Out do?</p> <p>17 A Works as an agent, manager.</p> <p>18 Q And is Timed Out your agent?</p> <p>19 A At times, yes.</p> <p>20 Q What type of agent?</p> <p>21 A Helps me with my like, I guess, you could</p> <p>22 say likeness of images. For example, like this kind</p> <p>23 of situation.</p> <p>24 Q So Peter Hamm is your agent or Timed Out</p> <p>25 would be your agent for these purposes?</p>	<p style="text-align: right;">Page 147</p> <p>1 T. TOTH</p> <p>2 A I'd have to refer back to the paperwork.</p> <p>3 Q Okay. And how did you meet Peter Hamm?</p> <p>4 A I met him just like through the modeling</p> <p>5 agency -- not modeling agency, through the modeling</p> <p>6 industry through my agent, NTA.</p> <p>7 Q NTA you said?</p> <p>8 A Yeah.</p> <p>9 Q And they do your print work, are your</p> <p>10 print agent?</p> <p>11 A Yes.</p> <p>12 Q So do you -- have you paid Timed Out or</p> <p>13 Peter Hamm to help you in connection with these</p> <p>14 lawsuits?</p> <p>15 A No, I haven't paid him.</p> <p>16 Q So does he pay you?</p> <p>17 A No.</p> <p>18 Q Do you have any type of written agreement</p> <p>19 or any -- do you have any written agreement with him</p> <p>20 or with Timed Out?</p> <p>21 A I mean, I always have written agreements</p> <p>22 with my people, yes.</p> <p>23 Q And if you know, what's the subject of</p> <p>24 your agreement with Peter Hamm or Timed Out?</p> <p>25 A I'd have to refer back to it.</p>
<p style="text-align: right;">Page 146</p> <p>1 T. TOTH</p> <p>2 A Well, his company is Timed Out.</p> <p>3 Q So to the best of your knowledge, is he</p> <p>4 the president of Timed Out?</p> <p>5 A Yes.</p> <p>6 Q Do you know if he's the only owner of the</p> <p>7 company?</p> <p>8 A I'm not sure.</p> <p>9 Q So you said Timed Out and Peter Hamm help</p> <p>10 you with situations like this.</p> <p>11 You mean this lawsuit?</p> <p>12 A Yes. I mean, if I contact him, yes, for</p> <p>13 like advise or -- yeah.</p> <p>14 Q And did you contact him in connection with</p> <p>15 this lawsuit?</p> <p>16 A I don't know if it was this one or not.</p> <p>17 Q But you've contacted him in connection</p> <p>18 with other lawsuits that you've filed?</p> <p>19 A Yes.</p> <p>20 Q And was one of those Timed Out versus LA</p> <p>21 Girl Jewelry?</p> <p>22 Does that ring a bell?</p> <p>23 A Probably, yes.</p> <p>24 Q Do you remember what your claims were in</p> <p>25 that case?</p>	<p style="text-align: right;">Page 148</p> <p>1 T. TOTH</p> <p>2 Q Have you ever owned any part of Timed Out?</p> <p>3 A No.</p> <p>4 Q Or have any equity stake in it?</p> <p>5 A No.</p> <p>6 Q And you said you weren't sure if they have</p> <p>7 any affiliation with this lawsuit, if they've helped</p> <p>8 you with this at all?</p> <p>9 A I'd have to look back. I'd have to look</p> <p>10 back at e-mails.</p> <p>11 Q E-mails with Peter Hamm or Timed Out?</p> <p>12 A Well, no. Just in general.</p> <p>13 MS. GOLDSTEIN: Okay. I think that's all</p> <p>14 of that.</p> <p>15 Q So have you understood all of the</p> <p>16 questions that you were asked today?</p> <p>17 A To the best my knowledge, yes.</p> <p>18 Q Have you answered all of the questions</p> <p>19 truthfully, to the best of your ability?</p> <p>20 A Yes.</p> <p>21 Q And is there anything else that you feel</p> <p>22 that's important to state today?</p> <p>23 A I don't think so. Just that I didn't give</p> <p>24 permission or work for the company. So that's about</p> <p>25 it.</p>

TIFFANY TOTH  
TOTH vs 59 MURRAY ENTERPRISES

April 13, 2017  
149-152

Page 149		Page 151	
1	T. TOTH	1	
2	MS. GOLDSTEIN: Okay.	2	TT12 photograph 50
3	MR. SPIEGEL: John, do you have any	3	TT13 photograph 54
4	follow-up questions?	4	TT14 photograph 57
5	MR. GOLASZEWSKI: Nothing for plaintiffs.	5	TT15 photograph 58
6	MR. SPIEGEL: Okay. We're done. Thank	6	TT16 photograph 60
7	you.	7	TT17 sample release form 88
8	(Whereupon, at 3:17 p.m., the	8	TT18 contract with Blackheart Rum 100
9	examination of this witness was	9	TT19 2011 financial information 104
10	concluded.)	10	TT20 2012 financial information 104
11		11	TT21 2013 financial information 105
12	_____ TIFFANY TOTH	12	TT22 2014 financial information 106
13		13	TT23 2015 financial information 106
14		14	
15		15	(Exhibits retained by Reporter.)
16	Subscribed and sworn to before me	16	
17	this _____ day of _____ 20____.	17	
18		18	
19	_____ NOTARY PUBLIC	19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

Page 150		Page 152	
1		1	
2	I N D E X	2	C E R T I F I C A T E
3	EXAMINATION BY PAGE	3	STATE OF NEW YORK )
4	MR. SPIEGEL 4	4	:ss.:
5	MS. GOLDSTEIN 144	5	COUNTY OF KINGS )
6		6	
7	INFORMATION AND/OR DOCUMENTS REQUESTED	7	I, AVERY N. ARMSTRONG, a Notary Public for
8	INFORMATION AND/OR DOCUMENTS PAGE	8	and within the State of New York, do hereby certify:
9	contracts for the past 10 years with 93	9	That the witness whose examination is
10	Mystery House or Roma.	10	hereinbefore set forth was duly sworn and that such
11	2016 tax returns 103	11	examination is a true record of the testimony given
12	witness's model release 111	12	by that witness.
13	E X H I B I T S	13	I further certify that I am not related to
14	EXHIBITS FOR ID PAGE	14	any of the parties to this action by blood or by
15	TT1 second amended complaint 7	15	marriage and that I am in no way interested in the
16	TT2 photograph 26	16	outcome of this matter.
17	TT3 photograph 27	17	IN WITNESS WHEREOF, I have hereunto set my
18	TT4 photograph 30	18	hand this 13th day of April 2017.
19	TT5 photograph 30	19	
20	TT6 photograph 33	20	
21	TT7 photograph 34	21	AVERY N. ARMSTRONG
22	TT8 photograph 38	22	
23	TT9 photograph 43	23	
24	TT10 photograph 43	24	
25	TT11 photograph 46	25	